

22713 U.S. PTO

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new non-provisional  
applications under 37 CFR 1.53(b))

Title of Invention

Phenylindoles for the Treatment of HIV

Named Inventor(s)

Paulo LaColla, et al.

Attorney Docket

06171.105033 (IDX 1008 DIV1 US)

Express Mail Label No.

EV242853075US

17548 U.S. PTO  
10/806295

032204

## APPLICATION ELEMENTS

ADDRESS TO: Mail Stop Patent Application  
The Honorable Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## ACCOMPANYING APPLICATION PARTS

1. ☒ Fee Transmittal Form  
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status. See 37 CFR 1.27.
3. ☒ Specification, Claims,  
and Abstract Total Pages 99
4. ☒ Drawings Total Sheets 6
5. Oath or Declaration Total Pages 6
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 17  
completed)
    - (i) ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting  
inventor(s) named in the prior  
application, see 37 CFR 1.63(d)(2)  
and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76.
7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence  
Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statement verifying identity of above  
copies

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement  
(when there is an assignee)
 ☐ Power of Attorney by assignee
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)  
PTO-1449
 ☐ \_\_\_\_\_ Copies of IDS Citations
13. ☒ Preliminary Amendment 21 pp.
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
16. ☒ Other: Request for Filing a Divisional  
Application Under 37 CFR § 1.53(b) 2 pp.

## 17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No: 10/122,252

Prior application information: Examiner: Golam M. Shameem, Ph.D. Group/Art Unit: 1626

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered as being part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 18. CORRESPONDENCE ADDRESS:

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Atlanta, Georgia 30303

By: Sherry Knowles Reg. No. 33,052  
Telephone: 404.572.3341  
Facsimile: 404.572.5145  
Customer No. 20786



22713 U.S. PTO

**FEE TRANSMITTAL**

This sheet accompanies a patent application transmittal for the following application:

Inventor(s): Paulo LaColla, et al.Filing Date: March 22, 2004Title: Phenylindoles for the Treatment of HIV

The filing fee is calculated as shown below:

17548 U.S. PTO  
10/806295**1. FILING FEE:**

| SMALL ENTITY   |          |          | LARGE ENTITY |          |
|--|----------|----------|--------------|----------|
| FOR:   | FEE      | FEE PAID | FEE          | FEE PAID |
| <input checked="" type="checkbox"/> UTILITY FILING FEE | \$375.00 |          | \$770.00     | \$770.00 |
| <input type="checkbox"/> DESIGN FILING FEE             | \$165.00 |          | \$330.00     |          |
| <input type="checkbox"/> PLANT FILING FEE              | \$255.00 |          | \$510.00     |          |
| <input type="checkbox"/> REISSUE FILING FEE            | \$370.00 |          | \$740.00     |          |
| <input type="checkbox"/> PROVISIONAL FILING FEE        | \$80.00  |          | \$160.00     |          |
| SUBTOTAL (1)   |          |          |              | \$770.00 |

**2. CLAIMS:**

| SMALL ENTITY   |           |           |          | LARGE ENTITY |            |           |
|--|-----------|-----------|----------|--------------|------------|-----------|
| FOR:   | NO. FILED | NO. EXTRA | RATE     | FEE          | RATE       | FEE       |
| TOTAL CLAIMS   | 15 - 20 = | 0         | x \$9 =  |              | 0 x \$18 = | \$0.00    |
| INDEP. CLAIMS  | 12 - 3 =  | 9         | x \$42 = |              | 9 x \$84 = | \$756.00  |
| <input checked="" type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED |           |           | +\$140 = |              | +\$280 =   | \$280.00  |
| SUBTOTAL (2)   |           |           |          |              |            | \$1036.00 |

**3. ADDITIONAL FEES:**

| SMALL ENTITY                                       |     |          | LARGE ENTITY |          |
|--|-----|----------|--------------|----------|
| FOR:   | FEE | FEE PAID | FEE          | FEE PAID |
| <input type="checkbox"/> LATE FILING, FEE OR OATH  |     |          |              |          |
| <input type="checkbox"/> NON-ENGLISH SPECIFICATION |     |          |              |          |
| <input type="checkbox"/> OTHER                     |     |          |              |          |
| SUBTOTAL (3)                                       |     |          |              |          |

**TOTAL FILING FEES: \$1806.00**A check is enclosed for the amount: \$ 800.00☒ Charge any additional fees required under 37 C.F.R. 1.16 or 1.17 to Deposit Account 11-0980

KING &amp; SPALDING

45<sup>th</sup> Floor, 191 Peachtree Street, N.E.

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Telephone: 404.572.3541

By: Sherry M. Knowles Date: March 22, 2004Sherry M. Knowles, Attorney for Applicant Reg. No. 33,052

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : Unassigned  
(Divisional of U.S. Application No. 10/122,252)  
Applicant : Paulo LaColla, et al.  
Filed : Herewith  
Title : Phenylindoles for the Treatment of HIV  
  
TC/AU : Unassigned (1626)  
Examiner : Unassigned (Golam M. Shameem, Ph.D.)  
  
Docket No. : 06171.105033 (IDX 1008 DIV1 US)

Commissioner for Patents  
Mail Stop Patent Application  
P. O. Box 1450  
Alexandria, VA 22313-1450

March 22, 2004

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**REQUEST FOR FILING A DIVISIONAL APPLICATION UNDER 37 CFR § 1.53(b)**

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Sir:

This is a request by Paulo LaColla, Marino Artico, and Jean-Pierre Sommadossi for filing a Divisional Application under 37 C.F.R. § 1.53(b) of pending prior application U.S. Serial No. 10/122,252, filed April 11, 2002, which will issue on March 23, 2004, as U.S. Patent No. 6,710,068, which claims priority to U.S. provisional application number 60/283,393, filed on April 11, 2001.

Enclosed is a copy of the prior application U.S.S.N. 10/122,252 as originally filed. The application includes 99 pages of Specification, Claims, and Abstract, as well as six sheets of Figures.

Paulo LaColla and Marino Artico assigned their rights to UNIVERSITA DEGLI STUDI DI CAGLIARI, in an assignment recorded April 11, 2002 at Reel 012809, Frame 0969 in the parent application. Jean-Pierre Sommadossi assigned his rights to NOVIRIO PHARMACEUTICALS LIMITED, in an assignment recorded April 11, 2002 at Reel 012809, Frame 0969 in the parent application. NOVIRIO PHARMACEUTICALS LIMITED changed its

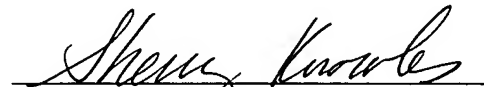
Request of Filing Divisional Application Dated **March 22, 2004**  
Divisional of Application No. 10/122,252

name to IDENIX PHARMACEUTICALS INC., which was recorded on August 19, 2002, at Reel 013193, Frame 0841. A copy of the recorded assignments and the recordation of name change are enclosed. Also enclosed are copies of the executed Declarations for Patent Application and Powers of Attorney.

A Preliminary Amendment is also enclosed. Applicants request entry of the Preliminary Amendment prior to examination of this application.

A check for \$800.00 is enclosed. The Commissioner for Patents is authorized to charge any additional fees which may be required for filing this divisional application to Deposit Account No. 11-0980.

Respectfully submitted,

  
Sherry M. Knowles  
Reg. No. 33,052

Date: March 22, 2004

King & Spalding LLP  
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Atlanta, Georgia 30303  
404-572-3541 (telephone)  
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**CERTIFICATE OF MAILING UNDER 37 CFR § 1.10  
FOR UTILITY PATENT APPLICATION FILING**

I hereby certify that this Request for filing a Continuation Application, Preliminary Amendment, Transmittal of Utility Patent Application, Utility Patent Application, and Fee Transmittal, along with any documents referred to as attached therein are being deposited with the United States Postal Service in an envelope as "Express Mail Post Office to Addresses" services under 37 CFR 1.10, Mailing Label Number EV242853075US addressed to Mail Stop PATENT APPLICATION; The Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

  
Susanne Hollinger

Date: March 22, 2004  
Attorney Docket: 06171.105033 (IDX 1008 DIV1 US)